IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Gordon, et al.	Art Unit	: 2837
Serial No.	: 10/531,097	Examiner	: Eduardo Colon Santana
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Title : EVACUATION SYSTEMS AND METHODS

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BRIEF ON APPEAL

This Appeal Brief is submitted further to the Notice of Appeal filed on September 17, 2010.

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I. REAL PARTY IN INTEREST

The real party in interest is Escape Rescue Systems, Ltd., assignee of all rights to the present Application.

II. RELATED APPEALS AND INTERFERENCES

There are no other related appeals and interferences known to Applicants or to the real party in interest.

III. STATUS OF CLAIMS

Claims 70 - 85, 88 - 103, 106 - 118 and 121 - 138 are pending. The application was filed with 69 claims. Claims 1 - 69 were cancelled and new claims 70 - 138 were added in a preliminary amendment filed on April 7, 2005. Claim 118 was amended and claims 86 - 87, 104 - 105 and 119 - 120 were cancelled in the response filed on November 17, 2009.

Claims 70 - 85, 88 - 103, 106 - 118 and 121 - 138 are being appealed.

IV. STATUS OF AMENDMENTS

An Amendment After Final was filed on August 17, 2010 and has been entered. No amendments to the claims were made in the Amendment After Final.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 70

The present invention, as recited in claim 70, includes an evacuation system for a building, the evacuation system including at least one lowerable, collapsible, generally vertical transporter arranged for selectable communication with at least one floor of a building and a controller for lowering the transporter from the at least one floor to a level at which egress of persons may safely occur.

The evacuation system for a building of the present invention recited in claim 70 is shown in Figs. 1, 3A - 3C, 6 and 7 and described in the description thereof.

The evacuation system for a building, of the present invention, as recited in claim 70, includes:

at least one lowerable, collapsible, generally vertical transporter [transporters 100, Fig. 1; transporter 300, Figs. 3A-3C] arranged for selectable communication with at least one floor of a building [paragraph bridging pages 7-8]; and

a controller [controller 104, Fig. 1] for lowering said transporter from said at least one floor to a level at which egress of persons may safely occur [page 7, lijnes 10-15; page 15, lines 27-31].

Claim 88

The present invention, as recited in claim 88, includes an evacuation system for a building, the evacuation system including at least one lowerable, multiple-platform, generally vertical transporter arranged for selectable communication with multiple floors of a building and a controller for lowering the at least one transporter from the multiple floors to at least one egress level at which egress of persons may safely occur.

The evacuation system for a building of the present invention recited in claim 88 is shown in Figs. 1, 3A - 3C, 6 and 7 and described in the description thereof.

The evacuation system for a building, of the present invention, as recited in claim 88, includes:

at least one lowerable, multiple-platform, generally vertical transporter [transporters 100, Fig. 1; transporter 300, Figs. 3A-3C] arranged for selectable communication with multiple floors of a building [paragraph bridging pages 7-8]; and

a controller [controller 104, Fig. 1] for lowering said at least one transporter from said multiple floors to at least one egress level at which egress of persons may safely occur [page 7, lines 10-15; page 15, lines 27-31].

Claim 106

The present invention, as recited in claim 106, includes an evacuation system for a building, the evacuation system including at least one lowerable, mutually spacable, multiple-platform, generally vertical transporter arranged for selectable communication with multiple floors of a building and a controller for lowering the at least one transporter from the multiple floors to at least one egress level at which egress of persons may safely occur, mutual spacing between the multiple platforms being reducible.

The evacuation system for a building of the present invention recited in claim 106 is shown in Figs. 1, 3A - 3C, 6 and 7 and described in the description thereof.

The evacuation system for a building, of the present invention, as recited in claim 106, includes:

at least one lowerable, mutually spacable, multiple-platform, generally vertical transporter [transporters 100, Fig. 1; transporter 300, Figs. 3A-3C] arranged for selectable communication with multiple floors of a building [paragraph bridging pages 7-8]; and

a controller [controller 104, Fig. 1] for lowering said transporter from said multiple floors to at least one egress level at which egress of persons may safely occur [page 7, lines 10-15; page 15, lines 27-31],

mutual spacing between said multiple platforms being reducible [Fig. 3C; paragraph bridging pages 13 and 14].

Claim 121

The present invention, as recited in claim 121, includes a method for evacuation of a building, the method including positioning at least one lowerable, collapsible, generally vertical transporter including at least one platform in communication with at least one floor of a building and lowering the at least one platform of the at least one transporter from the at least one floor to at least one egress level at which egress of persons may safely occur.

The method for evacuation of a building of the present invention recited in claim 121 is shown in Figs. 1, 3A - 3C, 6 and 7 and described in the description thereof.

The method for evacuation of a building, of the present invention, as recited in claim 121, includes:

positioning at least one lowerable, collapsible, generally vertical transporter [transporters 100, Fig. 1; transporter 300, Figs. 3A-3C] including at least one platform in communication with at least one floor of a building [paragraph bridging pages 7-8]; and

lowering said at least one platform of said at least one transporter from said at least one floor to at least one egress level at which egress of persons may safely occur [page 7, lines 10-15; page 15, lines 27-31].

Claim 131

The present invention, as recited in claim 131, includes a method for evacuation of a building, the method including positioning at least one lowerable, mutually spacable, multiple-platform, generally vertical transporter in communication with multiple floors of a building, lowering the multiple platforms of the transporter from the multiple floors to at least one level at which egress of persons may safely occur and reducing mutual spacing between the multiple platforms following the egress of persons.

The method for evacuation of a building of the present invention recited in claim 131 is shown in Figs. 1, 3A - 3C, 6 and 7 and described in the description thereof.

The method for evacuation of a building, of the present invention, as recited in claim 131, includes:

positioning at least one lowerable, mutually spacable, multiple-platform, generally vertical transporter [transporters 100, Fig. 1; transporter 300, Figs. 3A-3C] in communication with multiple floors of a building [paragraph bridging pages 7-8];

lowering said multiple platforms of said transporter from said multiple floors to at least one level at which egress of persons may safely occur [page 7, lines 10-15; page 15, lines 27-31]; and

reducing mutual spacing between said multiple platforms following said egress of persons [Fig. 3C; paragraph bridging pages 13 and 14; page 8, lines 3-5].

Claim 135

The present invention, as recited in claim 135, includes a method for simultaneously lifting people to multiple levels of a building, the method including positioning at least one liftable, multiple-platform, generally vertical transporter in communication with at least one ingress level of a building and lifting said multiple platforms of said at least one transporter to multiple floors of said building.

The method for simultaneously lifting people to multiple levels of a building of the present invention recited in claim 135 is shown in Figs. 1 and 2R-2S and described in the description thereof.

The method for simultaneously lifting people to multiple levels of a building, of the present invention, as recited in claim 135, includes:

positioning at least one liftable, multiple-platform, generally vertical transporter in communication with at least one ingress level of a building [transporters 100, Fig. 1; transporter 300, Figs. 3A-3C] in communication with multiple floors of a building [paragraph bridging pages 7-8]; and

lifting said multiple platforms of said at least one transporter to multiple floors of said building [page 19, lines 1-6; page 15, lines 27-31].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed are as follows:

1) Rejection of independent claims 70 and 121 under 35 U.S.C. 103(a) over Reed (U.S. Patent No. 4,732,235) and Kucher et al (U.S. Patent No. 4,640,384); and

2) Rejection of independent claims 88, 106, 131 and 135 under 35 U.S.C. 103(a) over Reed (U.S. Patent No. 4,732,235) and Kucher et al (U.S. Patent No. 4,640,384).

Applicants believe that the Examiner's application of the prior art is not appropriate and that the present claims are novel and non-obvious over the art cited by the Examiner.

VII. ARGUMENT

CLAIMS 70 and 121

1) Rejection of independent claims 70 and 121 under 35 U.S.C. 103(a) over Reed (U.S. Patent No. 4,732,235) and Kucher et al (U.S. Patent No. 4,640,384).

The examiner rejects claims 70 and 121 based on the combination of Reed and Kucher. Claim 70 recites an evacuation system and claim 121 recites a method of evacuation of a building. The arguments presented hereinbelow relate to claim 70 and are equally applicable to claim 121.

Reed describes collapsible scaffolding including a number of platforms which can be suspended in spaced vertical array by chains secured to the corners of the platform, and arranged at the top for the support of the scaffolding by a crane or a horizontally movable trolley.

Kucher describes an emergency evacuation system for a high-rise building including a cable carried on a spool positioned on the top of the building.

Claim 70 recites an evacuation system for a building, the evacuation system including **at least one lowerable, collapsible, generally vertical transporter** arranged for selectable communication with at least one floor of a building and a controller for lowering the transporter from the at least one floor to a level at which egress of persons may safely occur. (emphasis added)

As discussed in detail further below, Applicants respectfully submit that claim 70 is patentable since 1) the prior art of Reed does not show or suggest a vertical transporter, and 2) it would not be obvious to combine the references cited by the Examiner in the rejection.

I. Reed Does Not Show or Suggest a Vertical Transporter

The evacuation system of the present invention, as recited in claim 70, includes at least one lowerable, collapsible, generally vertical transporter. As further recited in the claim the transporter is arranged for selectable communication with at least one floor of a building and the system includes a controller for lowering the at least one transporter from the at least one floor to a level at which egress may occur.

In contrast to the **evacuation system** of the present invention, Reed describes **a scaffolding** which can be easily erected and removed (Reed, column 1, lines 4-5). The scaffolding of Reed includes a number of platforms and suspension means for suspending them in a vertical array, one spaced from another, while allowing them to be collapsed on one another in a stack for storage or transport, and includes at least one additional cable secured to the lowest platform and capable of sliding--preferably in guided relation--to the other platforms by **winding in**, so that the **lowest platform** secured to the additional cable or cables **can be lifted and stacked against the platform above it**, and by further winding in those platforms can be lifted against the next lowest platform and so on (Reed, column 1, lines 32-45).

In the rejection of claims 70, 88 and 106 the Examiner wrote:

> "Reed discloses a scaffolding system (see figures 1-4 and respective portions of the specification). Reed further depicts having at least one lowerable, collapsible, multiple-platform, mutually spacable, generally vertical transporter (i.e. scaffolding) (see figures 1-4)" (Final Office Action of March 17, 2010, page 3, section 4, second paragraph)

Applicants respectfully disagree with the Examiner's characterization of the scaffolding of Reed as a 'transporter.' Not only does Reed not show or suggest moving the entire scaffolding in a vertical direction to transport either persons or material, Reed specifically teaches that the scaffolding is suspended at the top level. Furthermore, the only vertical movement of the platforms in the scaffolding of Reed takes place when the platforms are moved **relative to the fixed top platform** during the expanding of the platforms from a stacked state and during the upward movement of the platforms when being stacked from an expanded state as described by Reed:

> "Then the winches 25 are operated to pay out the cable 25 equally at both ends, so that **with the top platform 11 suspended at the correct height**, the lower platforms are lowered from it with them all resting on the bottom platform 13 until the chains supporting the second platform from the top are fully extended when **the remaining platforms continue to drop as the winches pay out more cable**. FIG. 3 shows the situation when the third platform from the top has reached its final position with the suspension cables 14 hanging vertically.

> Eventually **all the platforms reach their final positions** as shown in FIG. 4, and it has been found that if the surface against which the scaffolding is assembled is a vertical surface, it is not necessary to secure the bottom platform or any of the intermediate platforms against that surface, because the scaffolding remains stably in position under its own weight." (Reed, column 3, lines 33-51, emphasis added)

Applicant also notes that at the time the platforms are being moved vertically relative to the top platform the platforms are not in use and are empty, as clearly seen in Figs. 1-4 and in the description thereof. Furthermore, it would be impossible for the platforms to be loaded at this time, since prior to being expanded they are in a stacked state. Thus, the winching of the scaffolding of Reed is merely a mechanism for expanding or contracting the platforms of the scaffolding **relative to the fixed top platform**, and the scaffolding is not intended to be used and **cannot** be used as a transporter.

In the response to the Applicants arguments presented above, the Examiner wrote:

> "The fact that people can move from one platform to [the] another either up or down does not prevent the scaffolding system of Reed to be raised or lowered (i.e. being used for transportation)." (Final Office Action of March 17, 2010, Response to Arguments, page 8)

Applicants note that not only does Reed not show or suggest using the scaffolding as a vertical transporter as suggested by the Examiner, Reed specifically teaches that a platform **cannot be winched while people are located thereon**, rather, people on a platform of the scaffolding must move therefrom **before winching the platform can commence**. Reed states:

> "A winch may be included at the top of each additional cable, perhaps on the top platform, but whether such a winch is used or an external winch, it will be clear that at least the lowest platforms can be very quickly raised merely by winching in if for example the sea becomes very rough quickly. **It is only necessary for people on the lowest platforms to climb up to higher platforms before winching can commence.**" (Reed, column 1, lines 45-52, emphasis added)

In contrast, the evacuation system of the present invention, as recited in claim 70, includes a transporter and a controller for lowering the transporter from one floor of a building, at which they have been positioned, to a different level of a building, at which egress may safely occur.

II. Combination of Reed and Kucher

Applicants respectfully submit that it would not be obvious to modify Reed to include the teachings of Kucher as suggested by the Examiner nor would it be obvious to modify Kucher to include the teachings of Reed.

While the prior art of Kucher, as well as the system and method of the present application, relate to building evacuation systems and methods, the prior art of Reed relates to a system and method for providing scaffolding that is easily erectable and removable. (Reed, column 1, lines 4-5).

In the rejection of claims 70, 88 and 106 the Examiner wrote:

> "Reed discloses a scaffolding system (see figures 1-4 and respective portions of the specification). Reed further depict having at least one lowerable, collapsible, multiple-platform, mutually spacable, generally vertical transporter (i.e. scaffolding) (see figures 1-4) ... Reed does not explicitly describe a controller to control the winch for lowering the scaffolding (i.e. transporter) for evacuation of a building. Nonetheless, Kucher et al. discloses an evacuation system having a transporter which uses a winch that is driven by a motor that is controlled by a controller to lower and raise the transporter from one floor to a level at which a person can safely egress in case of emergency." (Final Office Action of March 17, 2010, paragraph bridging pages 3-4)

Furthermore, the Examiner wrote:

> "In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) and KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (2007). In this case, **Reed clearly discloses that the scaffolding system includes a winch,** which would be obviously driven by a motor being controlled for lowering the scaffolding from one upper point to a lower point and vice versa. The fact that people can move from one platform to the another either up or down does not prevent the scaffolding system of Reed to be raised or lowered (i.e. being use for transportation). In addition Kucher clearly teaches that moving a platform (i.e. transporter) up or down in a building is well known in the art. Moreover, it may seem that the claims would have been obvious because the design incentives or market forces provided a reason to make an adaptation, and the invention resulted from an application of the prior knowledge as describe by Reed in view of Kucher in a predictable manner." (Final Office Action of March 17, 2010, Response to Arguments Section, paragraph bridging pages 7 and 8)

As noted above, not only does Reed not show or suggest using the scaffolding as a vertical transporter as suggested by the Examiner, Reed specifically teaches that a platform cannot be winched while people are located thereon, rather, people on a platform of the scaffolding must move therefrom before winching the platform can commence. Furthermore, Reed teaches that movement of people must be accomplished by the people moving between levels of the scaffolding and not by movement of the scaffolding. Additionally, merely because Reed uses a winch to move the platforms relative to one another does not in any way show or suggest using a winch to transport a platform relative to a building for evacuation thereof.

Applicants further note that even if one were looking to provide a solution for evacuation of a building, one would not look to Reed's scaffolding to provide that solution, since Reed's scaffolding must be stacked by winching the platforms upward, which would cause unnecessary delay in evacuation of a building, as seen in Reed's explanation of the stacking of the scaffolding:

"… scaffolding comprises a number of platforms and … suspension means for

> suspending them in a vertical array, one spaced from another, while allowing them to be collapsed on one another in a stack for storage or transport, and includes at least one additional cable secured to the lowest platform and capable of sliding--preferably in guided relation--to the other platforms by **winding in**, so that the **lowest platform** secured to the additional cable or cables **can be lifted and stacked against the platform above it**, and by further winding in those platforms can be lifted against the next lowest platform and so on." (Reed, column 1, lines 32-45).

As discussed above, the top platform of Reed's scaffolding must be placed at a fixed level of a building before the lower platforms can be opened by lowering them from the top platform. Therefore, even if one were to combine the teaching of Reed and Kucher to provide a mechanism for moving Reed's scaffolding relative to the building, the platforms would first need to be placed in an open position opposite the levels of the building to be evacuated. Then, the entire scaffolding would need to be lowered to place the lowest platform opposite the egress level. After unloading the lowest platform, the lowest platform would then need to be winched upward to be stacked against the second lowest platform before the scaffolding could then be lowered again and the second lowest platform placed opposite the egress level. This time consuming upward winching before lowering the next platform to the egress level would need to be repeated for each platform.

Applicants therefore submit that it would **not have been at all obvious** for one skilled in the art to combine Reed, which relates to a stationary scaffolding, and Kucher, which relates to building evacuation, to provide a building evacuation system and method.

CLAIMS 88, 106 and 131

2) Rejection of independent claims 88, 106, 131 and 135 under 35 U.S.C. 103(a) over Reed (U.S. Patent No. 4,732,235) and Kucher et al (U.S. Patent No. 4,640,384).

The examiner rejects claims 88, 106, 131 and 135 based on the combination of Reed and Kucher. Claims 88 and 106 recite evacuation systems, claim 131 recites a method of evacuation of a building and claim 135 recites a method of simultaneously lifting people to multiple levels of a building. The arguments presented hereinbelow relate to claim 88 and are equally applicable to claims 106, 131 and 135.

Reed describes collapsible scaffolding including a number of platforms which can be suspended in spaced vertical array by chains secured to the corners of the platform, and arranged at the top for the support of the scaffolding by a crane or a horizontally movable trolley.

Kucher describes an emergency evacuation system for a high-rise building including a cable carried on a spool positioned on the top of the building.

Claim 88 recites an evacuation system for a building, the evacuation system including **at least one lowerable, multiple-platform, generally vertical transporter** arranged for selectable communication with multiple floors of a building and a controller for lowering the at least one transporter from the multiple floors to at least one egress level at which egress of persons may safely occur. (emphasis added)

As discussed in detail further below, Applicants respectfully submit that claim 88 is patentable since 1) the prior art of Reed does not show or suggest a vertical transporter, and 2) it would not be obvious to combine the references cited by the Examiner in the rejection.

I. Reed Does Not Show or Suggest a Vertical Transporter

The evacuation system of the present invention, as recited in claim 88, includes at least one lowerable, multiple-platform, generally vertical transporter. As further recited in the claim the transporter is arranged for selectable communication with multiple floors of a building and the system includes a controller for lowering the transporter from the multiple floors to at least one level at which egress may occur.

In contrast to the **evacuation system** of the present invention, Reed describes **a**

scaffolding which can be easily erected and removed (Reed, column 1, lines 4-5). The scaffolding of Reed includes a number of platforms and suspension means for suspending them in a vertical array, one spaced from another, while allowing them to be collapsed on one another in a stack for storage or transport, and includes at least one additional cable secured to the lowest platform and capable of sliding--preferably in guided relation--to the other platforms by **winding in**, so that the **lowest platform** secured to the additional cable or cables **can be lifted and stacked against the platform above it**, and by further winding in those platforms can be lifted against the next lowest platform and so on (Reed, column 1, lines 32-45).

In the rejection of claims 70, 88 and 106 the Examiner wrote:

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Applicants respectfully disagree with the Examiner's characterization of the scaffolding of Reed as a 'transporter.' Not only does Reed not show or suggest moving the entire scaffolding in a vertical direction to transport either persons or material, Reed specifically teaches that the scaffolding is suspended at the top level. Furthermore, the only vertical movement of the platforms in the scaffolding of Reed takes place when the platforms are moved **relative to the fixed top platform** during the expanding of the platforms from a stacked state and during the upward movement of the platforms when being stacked from an expanded state as described by Reed:

> "Then the winches 25 are operated to pay out the cable 25 equally at both ends, so that **with the top platform 11 suspended at the correct height**, the lower platforms are lowered from it with them all resting on the bottom platform 13 until the chains supporting the second platform from the top are fully extended when **the remaining platforms continue to drop as the winches pay out more cable**. FIG. 3 shows the situation when the third platform from the top has reached its final position with the suspension cables 14 hanging vertically. Eventually **all the platforms reach their final positions** as shown in FIG. 4,

> and it has been found that if the surface against which the scaffolding is assembled is a vertical surface, it is not necessary to secure the bottom platform or any of the intermediate platforms against that surface, because the scaffolding remains stably in position under its own weight." (Reed, column 3, lines 33-51, emphasis added)

Applicant also notes that at the time the platforms are being moved vertically relative to the top platform the platforms are not in use and are empty, as clearly seen in Figs. 1-4 and in the description thereof. Furthermore, it would be impossible for the platforms to be loaded at this time, since prior to being expanded they are in a stacked state. Thus, the winching of the scaffolding of Reed is merely a mechanism for expanding or contracting the scaffolding **relative to the fixed top platform**, and the scaffolding is not intended to be used and **cannot** be used as a transporter.

In the response to the Applicants arguments presented above, the Examiner wrote:

> "The fact that people can move from one platform to [the] another either up or down does not prevent the scaffolding system of Reed to be raised or lowered (i.e. being used for transportation)." (Final Office Action of March 17, 2010, Response to Arguments, page 8)

Applicants note that not only does Reed not show or suggest using the scaffolding as a vertical transporter as suggested by the Examiner, Reed specifically teaches that a platform **cannot be winched while people are located thereon**, rather, people on a platform of the scaffolding must move therefrom **before winching the platform can commence**. Reed states:

> "A winch may be included at the top of each additional cable, perhaps on the top platform, but whether such a winch is used or an external winch, it will be clear that at least the lowest platforms can be very quickly raised merely by winching in if for example the sea becomes very rough quickly. **It is only necessary for people on the lowest platforms to climb up to higher platforms before winching can commence.**" (Reed, column 1, lines 45-52, emphasis added)

In contrast, the evacuation system of the present invention, as recited in claim 88, includes a transporter and a controller for lowering the transporter from multiple levels of a

building, at which they have been positioned, to a different level of a building, at which egress may safely occur.

II. Combination of Reed and Kucher

Applicants respectfully submit that it would not be obvious to modify Reed to include the teachings of Kucher as suggested by the Examiner nor would it be obvious to modify Kucher to include the teachings of Reed.

While the prior art of Kucher, as well as the system and method of the present application, relate to building evacuation systems and methods, the prior art of Reed relates to a system and method for providing scaffolding that is easily erectable and removable. (Reed, column 1, lines 4-5).

In the rejection of claims 70, 88 and 106 the Examiner wrote:

> "Reed discloses a scaffolding system (see figures 1-4 and respective portions of the specification). Reed further depict having at least one lowerable, collapsible, multiple-platform, mutually spacable, generally vertical transporter (i.e. scaffolding) (see figures 1-4) ... Reed does not explicitly describe a controller to control the winch for lowering the scaffolding (i.e. transporter) for evacuation of a building. Nonetheless, Kucher et al. discloses an evacuation system having a transporter which uses a winch that is driven by a motor that is controlled by a controller to lower and raise the transporter from one floor to a level at which a person can safely egress in case of emergency." (Final Office Action of March 17, 2010, paragraph bridging pages 3-4)

Furthermore, the Examiner wrote:

> "In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941

(Fed. Cir. 1992) and KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (2007). In this case, **Reed clearly discloses that the scaffolding system includes a winch**, which would be obviously driven by a motor being controlled for lowering the scaffolding from one upper point to a lower point and vice versa. The fact that people can move from one platform to the another either up or down does not prevent the scaffolding system of Reed to be raised or lowered (i.e. being use for transportation). In addition Kucher clearly teaches that moving a platform (i.e. transporter) up or down in a building is well known in the art. Moreover, it may seem that the claims would have been obvious because the design incentives or market forces provided a reason to make an adaptation, and the invention resulted from an application of the prior knowledge as describe by Reed in view of Kucher in a predictable manner." (Final Office Action of March 17, 2010, Response to Arguments Section, paragraph bridging pages 7 and 8)

As noted above, not only does Reed not show or suggest using the scaffolding as a vertical transporter as suggested by the Examiner, Reed specifically teaches that a platform cannot be winched while people are located thereon, rather, people on a platform of the scaffolding must move therefrom before winching the platform can commence. Furthermore, Reed teaches that movement of people must be accomplished by the people moving between levels of the scaffolding and not by movement of the scaffolding. Additionally, merely because Reed uses a winch to move the platforms relative to one another does not in any way show or suggest using a winch to transport a platform relative to a building for evacuation thereof.

Applicants further note that even if one were looking to provide a solution for evacuation of a building, one would not look to Reed's scaffolding to provide that solution, since Reed's scaffolding must be stacked by winching the platforms upward, which would cause unnecessary delay in evacuation of a building, as seen in Reed's explanation of the stacking of the scaffolding:

"… scaffolding comprises a number of platforms and … suspension means for suspending them in a vertical array, one spaced from another, while allowing them to be collapsed on one another in a stack for storage or transport, and

includes at least one additional cable secured to the lowest platform and capable of sliding--preferably in guided relation--to the other platforms by **winding in**, so that the **lowest platform** secured to the additional cable or cables **can be lifted and stacked against the platform above it**, and by further winding in those platforms can be lifted against the next lowest platform and so on." (Reed, column 1, lines 32-45).

As discussed above, the top platform of Reed's scaffolding must be placed at a fixed level of a building before the lower platforms can be opened by lowering them from the top platform. Therefore, even if one were to combine the teaching of Reed and Kucher to provide a mechanism for moving Reed's scaffolding relative to the building, the platforms would first need to be placed in an open position opposite the levels of the building to be evacuated. Then, the entire scaffolding would need to be lowered to place the lowest platform opposite the egress level. After unloading the lowest platform, the lowest platform would then need to be winched upward to be stacked against the second lowest platform before the scaffolding could then be lowered again and the second lowest platform placed opposite the egress level. This time consuming upward winching before lowering the next platform to the egress level would need to be repeated for each platform.

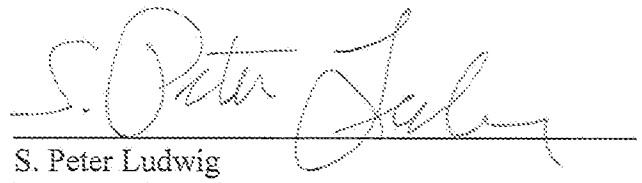
Applicants therefore submit that it would **not have been at all obvious** for one skilled in the art to combine Reed, which relates to a stationary scaffolding, and Kucher, which relates to building evacuation, to provide a building evacuation system and method.

Summary and Conclusion

As discussed hereinabove, Applicants respectfully submit that the prior art of Reed and Kucher, alone and in combination, does not show or suggest the systems and methods of the present invention as recited in independent claims 70, 88, 106, 121, 131 and 135 since Reed does not show or suggest a generally vertical transporter and it would not have been obvious to combine the prior art references of Reed and Kucher.

Inasmuch as independent claims 70, 88, 106, 121, 131 and 135 of the present invention are deemed patentable over the cited prior art, Applicants respectfully submit that dependent claims 71 - 85, 89 - 103, 107 - 118, 122 - 130, 132 - 134 and 136 - 138, each of which depends from one of the above independent claims, are also patentable over the cited prior art. Therefore, as discussed hereinabove, all of the claims of the present invention are novel and non-obvious over the art cited by the Examiner.

Respectfully submitted,



Date: January 18, 2011

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APPENDIX A - CLAIMS

This Appendix includes all claims in their present state.

1-69. (Cancelled)

70. An evacuation system for a building comprising:

at least one lowerable, collapsible, generally vertical transporter arranged for selectable communication with at least one floor of a building; and

a controller for lowering said transporter from said at least one floor to a level at which egress of persons may safely occur.

71. An evacuation system according to claim 70 and wherein said at least one transporter comprises a multiple-platform transporter, arranged for selectable communication with multiple floors of a building.

72. An evacuation system according to claim 71 and wherein said at least one multiple-platform transporter comprises:

a plurality of stackable platforms arranged to be supported on multiple generally vertical supports, at least some of said plurality of stackable platforms being arranged in

mutually spaced relationship, each in communication with a different floor of said building for evacuation loading.

73. An evacuation system according to claim 72 and wherein said plurality of stackable platforms are arranged in a mutually collapsed relationship when not in use.

74. An evacuation system according to claim 72 and wherein said plurality of stackable platforms are arranged in a mutually collapsed relationship following evacuation unloading.

75. An evacuation system according to claim 72 and wherein said multiple generally vertical supports comprise cables.

76. An evacuation system according to claim 72 and wherein said multiple generally vertical supports comprise rigid support elements.

77. An evacuation system according to claim 72 and wherein said plurality of stackable platforms each comprise a bottom support surface and a peripheral enclosing element.

78. An evacuation system according to claim 77 and wherein said peripheral enclosing element comprises a wall element formed of fabric.

79. An evacuation system according to claim 78 and wherein said fabric comprises at least one of a heat resistant fabric, a fire resistant fabric and a smoke resistant fabric.

80. An evacuation system according to claim 70 and also comprising at least one building mounted stabilizing element cooperating with said transporter for stabilizing said transporter against lateral forces.

81. An evacuation system according to claim 71 and wherein:

said at least one transporter comprises a plurality of transporters; and

said controller is operative to individually control individual ones of said plurality of transporters wherein multiple platforms of different transporters may be simultaneously positioned in communication with different groups of multiple floors of said building for simultaneous evacuation loading.

82. An evacuation system according to claim 71 and wherein:

said controller is operative to simultaneously position said multiple platforms in communication with multiple egress levels of said building for simultaneous evacuation.

83. An evacuation system according to claim 71 and wherein said at least one transporter is also operative for lifting persons from said egress level to said multiple floors of said building.

84. An evacuation system according to claim 70 and wherein said transporter is building mounted.

85. An evacuation system according to claim 84 and wherein said controller is operative to selectably lower said at least one transporter to said egress level in the absence of electrical power.

86-87. (Cancelled)

88. An evacuation system for a building comprising:

at least one lowerable, multiple-platform, generally vertical transporter arranged for selectable communication with multiple floors of a building; and

a controller for lowering said at least one transporter from said multiple floors to at least one egress level at which egress of persons may safely occur.

89. An evacuation system according to claim 88 and wherein said at least one lowerable, multiple-platform, generally vertical transporter comprises:

a plurality of stackable platforms arranged to be supported on multiple generally vertical supports, at least some of said plurality of stackable platforms being arranged in mutually spaced relationship, each in communication with a different floor of said building for evacuation loading.

90. An evacuation system according to claim 89 and wherein said plurality of stackable platforms are arranged in a mutually collapsed relationship when not in use.

91. An evacuation system according to claim 89 and wherein said plurality of stackable platforms are arranged in a mutually collapsed relationship following evacuation unloading.

92. An evacuation system according to claim 89 and wherein said multiple generally vertical supports comprise cables.

93. An evacuation system according to claim 89 and wherein said multiple generally vertical supports comprise rigid support elements.

94. An evacuation system according to claim 89 and wherein said plurality of stackable platforms each comprise a bottom support surface and a peripheral enclosing element.

95. An evacuation system according to claim 94 and wherein said peripheral enclosing element comprises a wall element formed of fabric.

96. An evacuation system according to claim 95 and wherein said fabric comprises at least one of a heat resistant fabric, a fire resistant fabric and a smoke resistant fabric.

97. An evacuation system according to claim 88 and also comprising at least one building mounted stabilizing element cooperating with said transporter for stabilizing said transporter against lateral forces.

98. An evacuation system according to claim 88 and wherein:

said at least one transporter comprises a plurality of transporters; and

said controller is operative to individually control individual ones of said plurality of transporters wherein multiple platforms of different transporters may be simultaneously positioned in communication with different groups of multiple floors of said building for simultaneous evacuation loading.

99. An evacuation system according to claim 88 and wherein:

said controller is operative to simultaneously position said multiple platforms in communication with multiple egress levels of said building for simultaneous evacuation.

100. An evacuation system according to claim 88 and wherein said at least one transporter is also operative for lifting persons from said at least one egress level to said multiple floors of said building.

101. An evacuation system according to claim 88 and wherein said multiple platforms comprise nestable platforms.

102. An evacuation system according to claim 88 and wherein said transporter is building mounted.

103. An evacuation system according to claim 102 and wherein said controller is operative to selectably lower said at least one transporter to said at least one egress level in the absence of electrical power.

104-105. (Cancelled)

106. An evacuation system for a building comprising:

at least one lowerable, mutually spacable, multiple-platform, generally vertical transporter arranged for selectable communication with multiple floors of a building; and

a controller for lowering said transporter from said multiple floors to at least one egress level at which egress of persons may safely occur,

mutual spacing between said multiple platforms being reducible.

107. An evacuation system according to claim 106 and wherein said at least one transporter comprises a plurality of stackable platforms arranged to be supported on multiple generally vertical supports.

108. An evacuation system according to claim 107 and wherein said multiple generally vertical supports comprise cables.

109. An evacuation system according to claim 107 and wherein said multiple generally vertical supports comprise rigid support elements.

110. An evacuation system according to claim 107 and wherein said plurality of stackable platforms each comprise a bottom support surface and a peripheral enclosing element.

111. An evacuation system according to claim 110 and wherein said peripheral enclosing element comprises a wall element formed of fabric.

112. An evacuation system according to claim 111 and wherein said fabric comprises at least one of a heat resistant fabric, a fire resistant fabric and a smoke resistant fabric.

113. An evacuation system according to claim 106 and also comprising at least one building mounted stabilizing element cooperating with said transporter for stabilizing said transporter against lateral forces.

114. An evacuation system according to claim 106 and wherein:

said at least one transporter comprises a plurality of transporters; and

said controller is operative to individually control individual ones of said plurality of transporters wherein multiple platforms of different transporters may be simultaneously

positioned in communication with different groups of multiple floors of said building for simultaneous evacuation loading.

115. An evacuation system according to claim 106 and wherein:

said controller is operative to simultaneously position said multiple platforms in communication with multiple egress levels of said building for simultaneous evacuation.

116. An evacuation system according to claim 106 and wherein said at least one transporter is also operative for lifting persons from said at least one egress level to said multiple floors of said building.

117. An evacuation system according to claim 106 and wherein said transporter is building mounted.

118. An evacuation system according to claim 117 and wherein said controller is operative to selectably lower said at least one transporter to said at least one egress level in the absence of electrical power.

119-120. (Cancelled)

121. A method for evacuation of a building comprising:

positioning at least one lowerable, collapsible, generally vertical transporter including at least one platform in communication with at least one floor of a building; and

lowering said at least one platform of said at least one transporter from said at least one floor to at least one egress level at which egress of persons may safely occur.

122. An evacuation method according to claim 121 and wherein:

said at least one transporter comprises a multiple-platform transporter; and

said positioning comprises selectably positioning said multiple platforms in communication with multiple floors of a building.

123. An evacuation method according to claim 121 and also comprising stabilizing said transporter against lateral forces.

124. An evacuation method according to claim 122 and wherein:

said at least one transporter comprises a plurality of transporters; and

said selectably positioning comprises simultaneously positioning individual ones of said plurality of transporters wherein multiple platforms of different transporters are in communication with different groups of multiple floors of said building for simultaneous evacuation loading.

125. An evacuation method according to claim 122 and also comprising simultaneously positioning said multiple platforms in communication with multiple egress levels of said building for simultaneous evacuation.

126. A method for evacuation of a building comprising:

positioning at least one lowerable, multiple-platform, generally vertical transporter in communication with multiple floors of a building; and

lowering said multiple platforms of said at least one transporter from said multiple floors to at least one egress level at which egress of persons may safely occur.

127. An evacuation method according to claim 126 and wherein said positioning comprises selectably positioning a plurality of stackable platforms, each in communication with a different floor of said building, for evacuation loading.

128. An evacuation method according to claim 126 and also comprising stabilizing said transporter against lateral forces.

129. An evacuation method according to claim 126 and wherein:

said at least one transporter comprises a plurality of transporters; and

said positioning comprises simultaneously positioning individual ones of said plurality of transporters wherein multiple platforms of different transporters are in

communication with different groups of multiple floors of said building for simultaneous evacuation loading.

130. An evacuation method according to claim 126 and also comprising simultaneously positioning said multiple platforms in communication with multiple egress levels of said building for simultaneous evacuation.

131. A method for evacuation of a building comprising:

positioning at least one lowerable, mutually spacable, multiple-platform, generally vertical transporter in communication with multiple floors of a building;

lowering said multiple platforms of said transporter from said multiple floors to at least one level at which egress of persons may safely occur; and

reducing mutual spacing between said multiple platforms following said egress of persons.

132. An evacuation method according to claim 131 and also comprising stabilizing said transporter against lateral forces.

133. An evacuation method according to claim 131 and wherein:

said at least one transporter comprises a plurality of transporters; and

said positioning comprises simultaneously positioning individual ones of said plurality of transporters wherein multiple platforms of different transporters are in

communication with different groups of multiple floors of said building for simultaneous evacuation loading.

134. An evacuation system according to claim 131 and also comprising simultaneously positioning said multiple platforms in communication with multiple egress levels of said building for simultaneous evacuation.

135. A method for simultaneously lifting people to multiple levels of a building comprising:

positioning at least one liftable, multiple-platform, generally vertical transporter in communication with at least one ingress level of a building; and

lifting said multiple platforms of said at least one transporter to multiple floors of said building.

136. A method according to claim 135 and wherein said positioning comprises sequentially positioning a plurality of stackable platforms, each in communication with said ingress level.

137. A method according to claim 135 and also comprising stabilizing said transporter against lateral forces.

138. A method according to claim 135 and also comprising simultaneously positioning said multiple platforms in communication with multiple ingress levels of said building for simultaneous loading.

APPENDIX B - EVIDENCE

No evidence pursuant to 37 CFR 1.130, 1.131, 1.132 or entered by or relied upon by the Examiner is being submitted.

APPENDIX C – RELATED PROCEEDINGS

No related proceedings are referenced in section II above, hence copies of decisions in related proceedings are not provided.